

Appln. Serial No. 10/757,757  
Amendment Dated February 16, 2007  
Reply to Restriction Requirement Mailed January 17, 2007

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REMARKS

In the Restriction Requirement dated January 17, 2007, three species were identified: Species 1 (claims 1-11); Species 2 (claims 12-18); and Species 3 (claims 19 and 20). Applicant elects, *with traverse*, Species 2 (identified by the Office Action as claims 12-18).

It is respectfully submitted that the identification of different sets of claims as being different species is improper. As stated by the M.P.E.P.:

*Claims are definitions of inventions. Claims are never species. ... Species are always the specifically different embodiments.*

M.P.E.P. § 806.04(e) (8<sup>th</sup> ed., Rev. 5), at 800-43 (emphasis in original).

For a proper restriction based on species, the Office Action must identify specific embodiments in the present application. The Office Action has failed to identify embodiments; rather, the Office Action has merely identified different sets of claims as species. Therefore, withdrawal of the Restriction Requirement is respectfully requested.

Claims 21-24 were not addressed in the Restriction Requirement. It is respectfully submitted that claims 21, 22, and 24 (claim 23 has been cancelled) are readable on elected Species 2. Note that claim 21 has been amended to recite that the interface manager is to *generate a logical map* of the automated storage system based on aggregating configuration information.

Also, newly added claims 25-33 are readable on elected Species 2.

Although claims 1-11 and 19-20 have been cancelled, Applicant reserves the right to rejoin these claims into the application if the Examiner should withdraw the Restriction Requirement based on the improper identification of claims as being species.

In view of the foregoing, reconsideration of the Restriction Requirement is respectfully requested.

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All claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200315416-1).

Respectfully submitted,

Date: 2/16/2007

  
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